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15 Attorneys for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

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16 **FRANCISCO VALDEZ, et al.**

17 Plaintiffs,

18 vs.

19 **CITY OF SAN JOSE, et al.,**

20 Defendants.

Case No.: . C09-00176 RMW

**STIPULATION AND [PROPOSED]  
ORDER GRANTING BRIEFING  
SCHEDULE FOR PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION  
[Fed. R. Civ. Proc. 23]**

22 **IT IS HEREBY STIPULATED AND AGREED BY ALL PARTIES AND THEIR COUNSEL OF**  
23 **RECORD:**

24 WHEREAS, the Court at the most recent Case Management Conference requested the  
25 parties' stipulate to a briefing schedule for plaintiffs' Motion for Class Certification  
26 (hereinafter "Motion") brought pursuant to Federal Rule of Civil Procedure 23 and the Class  
27 Action Fairness Act of 2007. [ECF Docket No. 49].

1 WHEREAS, the parties through their attorneys of record discussed various schedules  
2 concerning plaintiffs' Motion.

3 WHEREAS, the parties agreed that the earliest conceivable date for the hearing on  
4 plaintiffs' Motion is August 2011 due to the Court and counsel's collective schedules, and as  
5 result of the time necessary to prepare the related pleadings.

6 WHEREAS, Federal Rule of Civil Procedure 23 does not provide notice or time  
7 requirements for filing a Motion for Class Certification, opposition or reply pleadings.

8 WHEREAS, Northern District Civil Local Rule 7-3 provides relevant notice and time  
9 periods for all Motions brought before the Court.

10 WHEREAS, the notice and time periods prescribed by Northern District Civil Local Rules  
11 do not adequately account for time and notice necessary for plaintiffs' Motion.

12 WHEREAS, the parties have agreed to the hearing date for plaintiffs' Motion to be heard  
13 on Friday, August 26, 2011.

14 WHEREAS, the parties agree that plaintiffs' Motion for Class Certification must be filed  
15 no later than Friday, June 24, 2011 (approximately 60 days prior to the hearing).

16 WHEREAS, the parties agree that defendants' Opposition, if any, to plaintiffs' Motion  
17 must be filed no later than, Friday, July 22, 2011 (approximately 35 days prior to the hearing).

18 WHEREAS, the parties agree that plaintiffs' Reply, if any, to plaintiffs' Motion must be  
19 filed no later than, Friday, August 12, 2011 (approximately 14 days prior to the hearing).

20 NOW THEREFORE, the parties hereby agree that plaintiffs' Motion is to be heard on  
21 August 26, 2011.

22 The parties hereby further agree and stipulate to the following briefing schedule:

23 Plaintiffs' Motion to be filed no later than Friday, June 24, 2011

24 Defendants' Opposition to be filed no later than Friday, July 22, 2011

25 Plaintiffs' Reply to be filed no later than Friday, August 12, 2011

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KALLIS & ASSOCIATES, P.C.

Dated: March 23, 2010

\_\_\_\_\_/S/\_\_\_\_\_  
M. JEFFERY KALLIS, current co-  
counsel for plaintiffs

BUSTAMANTE O'HARA &  
GAGLIASSO, P.C.

Dated: March 23, 2010

\_\_\_\_\_/S/\_\_\_\_\_  
ANDREW V. STEARNS  
STEVEN M. BERKI, current co-counsel  
for plaintiffs

OFFICE OF THE CITY ATTORNEY OF  
SAN JOSE

Dated: March 23, 2010

\_\_\_\_\_/S/\_\_\_\_\_  
CLIFF GREENBERG, counsel for  
defendants

ATTORNEY ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated  
by a "conformed" signature (/s/) within this E-filed document.

Dated: March 23, 2011

\_\_\_\_\_/s/\_\_\_\_\_  
Andrew V. Stearns

~~[PROPOSED]~~ ORDER

The Court, having considered the parties' Stipulation, the documents and records on file with the court, and finding good cause therefore, hereby orders:

Plaintiffs' Motion for Class Certification is to be filed by no later than Friday, June 24, 2011

Defendants' Opposition to Plaintiffs' Motion for Class Certification is to be filed by no later than Friday, July 22, 2011

Plaintiffs' Reply in Support of Motion for Class Certification is to be filed by no later than Friday, August 12, 2011

The motion shall be heard on August 26, 2011 at 9:00 a.m.

IT IS SO ORDERED.

Dated: 5/10/11

By:



Hon. Jeremy Fogel  
United States District Court Judge